

The Corporation Of The Municipality Of West Grey
By-Law Number 37 - 2014

Being a By-law to further amend Zoning By-law No. 37-2006, of the Municipality of West Grey;

Whereas the Council of the Corporation of the Municipality of West Grey deems it in the public interest to pass a By-law to amend By-law No. 37-2006;

And whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, as amended, By-laws may be amended by Councils of Municipalities;

Now therefore the Council of the Corporation of the Municipality of West Grey enacts as follows:

1. Section 6.38 of By-law No. 37-2006 is hereby deleted and replaced with the following:

**6.38 SETBACKS FROM EXISTING AND KNOWN ABANDONED
LANDFILL SITES**

No development or site alteration shall be permitted within 500 metres of an existing or known abandoned landfill site, unless a D-4 Study has been prepared and submitted for review in accordance with the Ministry of the Environment Guideline D-4 indicating that the lands to be developed are secure from potential methane and/or leachate migration from the landfill site or indicating the measures or conditions required prior to any development approval being granted. Notwithstanding this required buffer, if any approved Landfill Closure Plan exists, the requirements of that Plan shall prevail.

This requirement, however, does not entirely apply to the closed landfill sites on Durham Road West in Durham and on David Winkler Parkway in Neustadt because evaluations of these landfill sites have already been conducted, to a certain extent, on behalf of the Municipality. In those situations, the following provisions shall apply:

The evaluation of the closed landfill site on Durham Road West in Durham involved test pitting only on the landfill property and concluded that this closed site would not result in a hazard or health and safety risk, a nuisance to people and/or site degradation of the natural environmental for surrounding properties within 500 metres of the site. That notwithstanding, given that no test pitting occurred outside of the subject property and therefore it has not been confirmed that the presence of waste is confined to the subject property, a "h" (holding) suffix has been applied to the zoning of lands within 30 metres of the closed landfill site's perimeter. No development shall be permitted on lands zoned with the "h" suffix. The "h" suffix may be removed from a property or portion thereof provided a further evaluation has been conducted for said property in accordance with Section D7.11 of the Official Plan at the property owner's expense, as recommended in the evaluation. In addition, given that a surface watercourse traverses the subject property, the potential or access to, or use of, surface water should be considered when evaluating proposals for new developments or changes in land use for the property situated downstream of the watercourse, which is located to the southwest of the former landfill site. Where there is no intended use of, or potential access to, surface water associated with the proposed change in land use, no further assessment will be necessary. If there is a potential of use of or access to, surface water, then an additional

assessment is necessary. The requirement for such an assessment would depend on the nature of the proposed development or change in land use. In this regard, an "h" (holding) suffix has been applied to the zoning of lands located downstream of the watercourse, to the southwest of the landfill site. The "h" suffix may be removed from the property or portion thereof provided a further evaluation has been conducted for said property in accordance with Section D7.11 of the Official Plan at the property owner's expense, as recommended in the evaluation and to the satisfaction of the Municipality.

The evaluation of the closed landfill site on David Winkler Parkway in Neustadt involved test pitting only on the property and concluded that the close site is not impacting on adjacent properties with regard to groundwater contamination, surface water contamination or the generation of landfill gases (particularly methane). An "h" (holding) suffix has been applied to the zoning of lands within 30 metres of easterly and southeasterly perimeter of the closed landfill site. No development shall be permitted on lands zoned with the "h" suffix. The "h" suffix may be removed from a property or portion thereof provided a further evaluation has been conducted for said property in accordance with Section D7.11 of the Official Plan at the property owner's expense, as recommended in the evaluation and to the satisfaction of the Municipality.

2. Section 5.115 of By-law No. 37-2006 is hereby deleted.
3. Section 8.1 of By-law No. 37-2006 is hereby amended by deleting "Hobby Barn".
4. Section 8.2.1 is hereby deleted and replaced with the following:

8.2.1 LOT AREA, Minimum	40 ha (100 ac)
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5. Sections 8.3 and 8.4 are hereby deleted and replaced with the following:

8.3 REDUCED LOT REGULATIONS

Notwithstanding Sections 8.2.1 and 8.2.2, an existing lot of record or lot created by consent which has a lesser lot area and/or frontage than required shall be permitted the uses listed in Section 8.1 except as stated in Section 8.4. In order to create a new lot by consent that has a lesser lot area and/or frontage than required, this By-law must be amended accordingly. In all instances, the regulations of Section 8.2 shall apply excepting however that lots having an area of 2 hectares (5 acres) or less shall be used in accordance with the following regulations:

8.3.1 LOT AREA, Minimum	0.8 ha (2 ac)
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8.3.2 LOT FRONTAGE, Minimum	30.5 m (100.1 ft)
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8.3.3 FRONT YARD, Minimum	18.3 m (60 ft)
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8.3.4 REAR YARD Minimum	7.5 m (24.6 ft)
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8.3.5 INTERIOR SIDE YARD Minimum	3 m (9.8 ft)
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8.3.6 EXTERIOR SIDE YARD Minimum	7.5 m (24.6 ft) plus the distance required by the applicable Road Authority as specified in Section 6.31 of this By-law.
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9.3.9 ACCESSORY BUILDINGS AND STRUCTURES

Shall be subject to the applicable regulations of Section 6 – General Provisions of this By-law.

9.4 PROHIBITED LIVESTOCK FACILITIES

Livestock facilities and equestrian centres shall not be permitted on lots of less 2 ha (5 acres) in size.

9. Section 10.1 of By-law No. 37-2006 is hereby amended by deleting “Hobby Barn”.

10. Section 10.2.1 is hereby deleted and replaced with the following:

10.2.1 LOT AREA, Minimum 40 ha (100 ac)

11. Sections 10.3 and 10.4 are hereby deleted and replaced with the following:

10.3 REDUCED LOT REGULATIONS

Notwithstanding Sections 10.2.1 and 10.2.2, an existing lot of record or lot created by consent which has a lesser lot area and/or frontage than required shall be permitted the uses listed in Section 10.1. In order to create a new lot by consent that has a lesser lot area and/or frontage than required, this By-law must be amended accordingly. In all instances, the regulations of Section 10.2 shall apply excepting however that lots having an area of 2 hectares (5 acres) or less shall be used in accordance with the following regulations:

10.3.1 LOT AREA, Minimum 0.8 ha (2 ac)

10.3.2 LOT FRONTAGE, Minimum 30.5 m (100.1 ft)

10.3.3 FRONT YARD, Minimum 18.3 m (60 ft)

10.3.4 REAR YARD Minimum 7.5 m (24.6 ft)

10.3.5 INTERIOR SIDE YARD Minimum 3 m (9.8 ft)

10.3.6 EXTERIOR SIDE YARD Minimum 7.5 m (24.6 ft) plus the distance required by the applicable Road Authority as specified in Section 6.31 of this By-law.

10.3.7 GROUND FLOOR AREA, Minimum

- Less than two storey 83.6m² (900 ft²)
- Two or more storey 102.2m² (1100 ft²)

10.3.8 LOT COVERAGE, Maximum 20%

10.3.9 ACCESSORY BUILDINGS AND STRUCTURES

Shall be subject to the applicable regulations of Section 6 – General Provisions of this By-law.

- 12. Sections 10.5, 10.6 and 10.7 of By-law No. 37-2006 are hereby renumbered as 10.4, 10.5 and 10.6.
- 13. Schedule 21 to By-law No. 37-2006 is hereby amended by changing the zone symbol of those lands identified on Schedules 21E in the manner shown on Schedule 21E.
- 14. Schedule 53 to By-law No. 37-2006 is hereby amended by changing the zone symbol of those lands identified on Schedule 53G in the manner shown on Schedule 53G.
- 15. Schedule 54 to By-law No. 37-2006 is hereby amended by changing the zone symbol of those identified on Schedule "54H" in the manner shown on Schedule 54H.
- 16. Schedule 55 to By-law No. 37-2006 is hereby amended by changing the zone symbol of those identified on Schedule "55E" in the manner shown on Schedule 55E.
- 17. Schedule 59 to By-law No. 37-2006 is hereby amended by changing the zone symbol of those identified on Schedule "59I" in the manner shown on Schedule 59I.
- 18. That Section 5.135 is hereby amended by deleting the words "but shall include a hobby barn as defined elsewhere in this by-law."
- 19. THAT THIS By-law Amendment shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34(30) and (31) of the Planning Act, R.S.O., 1990, as amended.

Read a first and second time this 21st day of April, 2014.

Read a third time and finally passed this 21st day of April, 2014.

 (Signed)
 Kevin Eccles, Mayor

 (Signed)
 Larry C. Adams, CAO/Deputy Clerk

Housekeeping By-law (March 2014)

Notice Of The Passing Of A Zoning By-Law
By The Corporation Of The Municipality Of West Grey

Take notice that the Council of the Corporation of the Municipality of West Grey passed By-law Number 37-2014 on the 21st day of April, 2014, under Section 34 of the Planning Act, R.S.O. 1990, as amended.

And take notice that the Zoning By-law may be appealed to the Ontario Municipal Board by filing with the Clerk of the Corporation of the Municipality of West Grey not later than the 15th day of May, 2014, a notice of appeal setting out the objection to the By-law and the reasons in support of the objection, accompanied by the fee prescribed under the Ontario Municipal Board Act, R.S.O. 1994.

Only individuals, corporations and public bodies may appeal a Zoning By-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

If a person, corporation or public body did not make oral submissions at the public meeting or make a written submission to the Municipality of West Grey before the bylaw was passed, the person, corporation or public body is not entitled to appeal the decision of the Municipality of West Grey Council to the Ontario Municipal Board nor can that person, corporation or public be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

An explanation of the purpose and effect of the By-law describing the lands to which the By-law applies is provided below. The complete By-law is available for inspection in my office during regular business hours.

Dated at the Municipality of West Grey
This 25th day of April, 2014.

Mark Turner, Clerk
Municipality of West Grey
402813 Grey Rd. 4, RR 2,
DURHAM, ON N0G 1R0
Ph: (519) 369-2200
Fax: (519) 369-5962

EXPLANATORY NOTE

The purpose of this By-law is to update the Zoning By-law as required to implement the new Official Plan for the settlement areas of Durham and Neustadt, to correct errors and omissions within the Zoning By-law and to improve the clarity of the Zoning By-law.

The complete By-law is available for viewing at the Municipal office.

The Council of the Municipality of West Grey has adopted this By-law and is now circulating it in accordance with Provincial Regulations.